

Austin, Texas

May 4, 1943

TO THE FORTY-EIGHTH LEGISLATURE:

I have carefully considered House Bill No. 582, which declares its purpose to be the protection and preservation of the game and fish resources of Brazoria County by providing that the members of the County Commissioners Court of said County shall be the conservators of such game and fish resources and shall be compensated for such duties and services in the sum of One Hundred (\$100.00) Dollars each per month to be paid out of the County funds of Brazoria County.

I am unable to give my approval to this bill because I believe it to be unconstitutional. It is true that the Legislature is authorized to enact local and special laws for the preservation of game and fish. The enforcement of such local or special laws, however, has been made a function of the State by general statute. Neither the Constitution nor any general statute makes the conservation and preservation of game, fish or oysters a matter of county business to be attended to by the Commissioners Court.

It is my opinion that House Bill 582 is a local and special law dealing with the compensation of the County Commissioners of Brazoria County under the guise of a game and fish law. This constitutes a regulation of the affairs of Brazoria County by local and special law in violation of that portion of Section 56, Article III of our Constitution which prohibits the Legislature from passing any local or special law regulating the affairs of counties. This bill attempts to do indirectly that which the Legislature is prohibited from doing directly, and I cannot lend my approval to the precedent which it would establish. I am, therefore, returning it herewith to the House of Representatives.

Respectfully submitted


Coke Stevenson

Governor of Texas